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14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA**

16 JOSE GUZMAN, FORTINO RUTILO
17 JIMENEZ, BERTHA MEZA,
18 GRISELDA AVILES CARRILLO and
19 JOSE GERARDO VALLEJO PEREZ
individually and on behalf of all others
similarly situated,

20 Plaintiffs.

21 v.

22 WESTERN UNION FINANCIAL
23 SERVICES, INC., MONEYGRAM
24 PAYMENT SYSTEMS, INC., DOLEX
25 DOLLAR EXPRESS, INC. and
FORCEPOINT, LLC.

26 Defendants.

Case No.: 5:24-cv-404-SRM-DTB

**NOTICE OF NEW HEARING FOR
JOINT MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

Date: April 17, 2025

Time: 1:30 p.m.

Location: Courtroom 9B

Judge: Hon. Serena R. Murillo

Trial Date: None Set

Date Action Filed: February 21, 2024

First Am. Comp. Filed: April 12, 2024

TO ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE THAT that on April 17, 2025, or as soon thereafter as it may be heard by the Court, located at 411 W. 4th Street, Santa Ana, California 92701, in Courtroom 9B (9th Floor) before the Honorable Serena R. Murillo, Defendants MoneyGram Payment Systems, Inc. (“MoneyGram”), DolEx Dollar Express, Inc. (“DolEx”), and Forcepoint LLC (“Forcepoint”) (collectively, “Moving Defendants”) will and hereby do move the Court for an order dismissing each claim for relief asserted against them in the First Amended Class Action Complaint filed by Plaintiffs Jose Guzman, Fortino Rutilo Jimenez, Bertha Meza, Griselda Aviles Carrillo, and Jose Gerardo Vallejo Perez (collectively “Plaintiffs”) (the “Joint MTD”). Moving Defendants bring this motion to dismiss Plaintiffs’ claims on the grounds that Plaintiffs (1) failed to join indispensable parties under Rules 12(b)(7) and 19, and (2) failed to state a claim upon which relief may be granted under Rule 12(b)(6).

This Joint MTD was originally filed on November 25, 2024,¹ and noticed for hearing on March 21, 2025, based on a stipulated briefing schedule that included an opposition by Plaintiffs on January 17, 2025, and a joint reply on February 7, 2025. (*See* Order Granting Joint Stipulation Regarding Briefing Schedule and Word Counts for Defendants’ Motion to Dismiss, ECF No. 91). The Opposition and Reply were duly filed on those respective dates. (*See* ECF 118, 121).

On February 24, 2025, Plaintiffs separately filed a Notice of Motion and Motion for Leave to file Sur-Reply concerning the Joint MTD (the “Motion for Leave”). (*See* ECF 123). The Plaintiffs and Moving Defendants agreed by stipulation, filed February 26, 2025, that the Motion for Leave would be heard concurrently with the Joint MTD

¹ On December 20, 2024, after the Joint MTD had been filed, Hon. Sunshine S. Sykes (formerly assigned to this case) issued an Order Granting Defendant Western Union Financial Services, Inc.’s (“Western Union”) previously filed Motion to Stay Proceedings as to Western Union Pursuant to Section 3 of the Federal Arbitration Act, concerning claims by Plaintiffs Guzman and Meza—the two named Plaintiffs who alleged use of Western Union’s services. (*See* ECF No. 116). Western Union was one of the original participants in the Joint MTD, but as a result of the Order granting its arbitration motion, all claims have been stayed as to Western Union. (*Id.*).

(see ECF 126), but this matter was reassigned before that stipulation could be ordered by the Court, and briefing is not complete.

Following reassignment of this matter to Hon. Serena M. Murillo on February 27, 2025 (ECF 127), and the issuance of this Court's Reassignment Order on March 3, 2025 (ECF 128), the Plaintiffs and Moving Defendants met and conferred on March 10, 2025, and agreed to a process for re-noticing the Joint MTD (subject to further direction from the Court) that identifies a new hearing date, but references the previously filed materials, rather than submitting them anew. See Declaration of Christopher James in Support of Defendants' Notice of New Hearing for Joint MTD ("James Re-Noticing Decl."), ¶ 4. The primary (supporting and opposing) materials are identified below for the convenience for the Court, by ECF reference. The parties further agreed that Plaintiffs would re-notice their Motion for Leave for the same hearing date (again, subject to further direction from the Court), with briefing to be completed per the timing set forth in Local Rules 7-9 and 7-10. *Id.*, at ¶ 5. The parties agreed on an April 17, 2025 hearing date based on the availability of counsel, subject to the Court's calendar. *Id.*, at ¶¶ 4-5.

The primary materials already filed in support of and opposition to the Joint MTD, include:

- **ECF 101: Notice of Motion and Joint Motion to Dismiss First Amended Complaint, with Attachments 1-28:**
 - **ECF 101-1:** Memorandum of Points and Authorities
 - **ECF 101-2 through 101-9:** Declaration of Sheila A.G. Armbrust, with Exhibits 1-7.
 - **ECF 101-10 through 101-16:** Declaration of Christopher W. James, with Exhibits 1-6.
 - **ECF 101-17 through 101-19:** Declaration of Katherine L. Alphonso, with Exhibits 1 and 2.

- **ECF 101-20:** Declaration of Daniel M. Doft
- **ECF 101-21:** Request for Judicial Notice - Note that the Request for Judicial Notice seeks consideration of additional materials cited in the Joint MTD that were filed previously in this case, including:
 - ECF 42-2, 42-6 (consisting of Exhibits D-1 through D-6), 47-3, 47-5, 47-6, 47-7, 61, 61-1, 64, 65, 71, 71-1.
- **ECF 101-22 through 101-26:** Appendix of Legislative History and Secondary Sources, with Tabs 1-4.
- **ECF 101-27:** Proposed Order Granting Joint MTD
- **ECF 101-28:** Proposed Order Granting Request for Judicial Notice
- **ECF 118: Plaintiff's Opposition to Joint MTD, with related filings:**
 - **ECF 118-1:** Proposed Order Denying Joint MTD
 - **ECF 119:** [Additional filed copy of Plaintiff's Opposition]
 - **ECF 119-1:** Exhibit 1 to Plaintiff's Opposition
 - **ECF 120:** Objection to Request for Judicial Notice
 - **ECF 120-1:** Proposed Order Denying Request for Judicial Notice
- **ECF 121: Moving Defendants' Reply in Further Support of Joint MTD, with related filing:**
 - **ECF 122:** Reply in Further Support of Request for Judicial Notice

The Joint MTD is further based on this Notice of New Hearing, the accompanying James Re-Noticing Decl., and all pleadings and papers filed in this action, oral argument of counsel, and any other matters that may come before the Court.

The original Notice of Motion (ECF 101) and supporting attorney declarations (ECF 101-2, 101-10, 101-17, 101-20) detail the meet and confer efforts conducted between the parties in advance of filing the Joint MTD, in satisfaction of Local Rule 7-3 and Judge Sykes's then-operative Civil Standing Order. To the extent necessary, the same efforts are relied on to satisfy the meet and confer requirements for this re-

1 noticed motion hearing. Additionally, the Moving Defendants met and conferred with
2 counsel for Plaintiffs on March 10, 2025, to discuss the process for re-noticing the
3 Joint MTD in light of the Court's Reassignment Order. That meeting took place by
4 Zoom video conference for approximately 10 minutes, and was attended by counsel
5 Christopher W. James (Vinson & Elkins LLP) on behalf of MoneyGram, Katherine
6 Alphonso (Kaufman Dolowich LLP) on behalf of DolEx, and Daniel Doft (Duane
7 Morris LLP) on behalf of Forcepoint; Chase Hilton (Burns Charest, LLP) attended on
8 behalf of Plaintiffs. James Re-Noticing Decl., ¶ 4. The parties discussed the process
9 for re-noticing the hearing for the Joint MTD, the desire to reference previously filed
10 materials rather than filing them anew, and available dates—and agreed on these
11 issues, as reflected above. *Id.* at ¶ 4.

12
13 Dated: March 14, 2025

VINSON & ELKINS LLP

14 By: /s/ Christopher W. James
15 Ephraim Wernick
16 Christopher W. James
17 Briana R. Falcon
Attorneys for Defendant
MoneyGram Payment Systems, Inc.

18 Dated: March 14, 2025

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Dated: March 14, 2025

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*Attorneys for Defendant
DOLEX DOLLAR EXPRESS, INC.*

I, Christopher W. James, attest that Daniel M. Doft of Duane Morris, LLP, and Katherine L. Alphonso of Kaufman Dolowich, LLP, have read and approved the NOTICE OF NEW HEARING FOR JOINT MOTION TO DISMISS FIRST AMENDED COMPLAINT, and consent to its filing in this action, and to affixing their signatures to it.

/s/ Christopher W. James
Christopher W. James